

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**MWK RECRUITING, INC,**

Plaintiff,

**v.**

**EVAN P. JOWERS,**

Defendants

**Case No. 1:18-cv-00444-RP**

**EVAN P. JOWERS,**

Counterclaimant,

**v.**

**MWK RECRUITING, INC.,**

**ROBERT E. KINNEY,**

**RECRUITING PARTNERS GP, INC.,**

**KINNEY RECRUITING LLC,**

**COUNSEL UNLIMITED LLC, and**

**KINNEY RECRUITING LIMITED,**

Counterdefendants.

**DECLARATION OF ROBERT E. KINNEY**

I, Robert E. Kinney, declare as follows:

1. My name is Robert E. Kinney. I am of sound mind, I am capable of making this declaration (“**Declaration**”), and I have personal knowledge of the facts stated in this Declaration. All the facts stated in this Declaration are true and correct. I am over 21 years of age and have never been convicted of a felony or a crime of moral turpitude in any jurisdiction.

2. The deposition of Peter Gutensohn, which was noticed by Jowers, occurred on December 9, 2020.

3. Mr. Tauler, counsel for Jowers, spent the bulk of the time in the deposition developing testimony from Mr. Gutensohn that I was an unfair and dishonest employer for Mr. Gutensohn.

4. On cross examination, I asked questions to establish that Mr. Gutensohn was employed by Mr. Jowers at the time of the deposition, that he had a record of felony convictions, and that the Kinney Entities had allowed Mr. Gutensohn to develop a draw balance exceeding \$250,000 before his employment was terminated. Mr. Gutensohn admitted that I had said that the company would not seek to recover those draws.

5. I have never threatened to attempt to recover Mr. Gutensohn’s back draws post-employment. Any such claim would be without basis under Mr. Gutensohn’s contract of employment with Kinney Recruiting LLC.

6. Alexis Lamb is a graduate of the University of Texas School of Law. In her deposition, Ms. Lamb made claims regarding having been made uncomfortable by

certain things that she alleged I had said about her while she was employed by Kinney Recruiting Limited. Mr. Tauler spent significant time with Ms. Lamb asking further questions to develop these allegations, none of which relate to the present lawsuit. On cross examination, I asked questions of Ms. Lamb solely intended to establish whether she had talked about these allegations with anyone while she was working for the Kinney Entities or near that time, and whether there was a written record if she had. Ms. Lamb admitted she is a partner at Legis Ventures, that she receives a monthly salary, and that she had never communicated those allegations to any third party in writing.

7. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

8. Executed on January 18, 2021.

/s/ Robert E Kinney  
Robert E. Kinney